

COMMISSIONERS APPROVAL

CHILCOTT *gc*

LUND *Btt*

THOMPSON

TAYLOR (Clerk & Recorder)

Date.....July 5, 2006

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met with Jim Mildenberger, Developer of the Daly Estates, to discuss the pedestrian/bike pathway that was constructed as per the conditional requirements of this subdivision. Also present were Planning Director Karen Hughes, Planner Ben Howell, Road Supervisor David Ohnstad and Citizen Lowell Olin.

Jim stated he received a letter from the Road Department stating he did not obtain an encroachment permit prior to the construction of this path. The bike path crossed the road where Tammany Hill Road begins because the owners of that property would not give him any easement nor allow him to purchase it. Jim addressed the grade of the road, drainage, the distance of the fence and other encroachments from the road, and width of the path as it relates to the road. He stated he did not know he was supposed to obtain an encroachment permit, as the conditional approval required him to put this path in. He stated the only thing needed is signage.

Karen stated this bike path was to be 4' wide with minimum width from the road, a 4' separation. A lesser separation can be reviewed for minor deviation by the staff. So this technically meets the condition. There is apparently a technicality from what was written in the conditional approval and what David is requiring in the encroachment permit.

Jim stated he obtained approval from Reid Willey.

David asked if the Developer complied with conditions of approval. One could argue that he did. His issue is the manner in which it is constructed. Is it to a standard for safety or design? It is not. He stated it is questionable if they should go back through the design standards before this is approved. This should have been done with more forethought. If the Road and Bridge Department approves this, then our liability has no end because it does not meet the proper design standards. This road has poor site distance and the road is failing at the intersection of the Eastside Highway. With future subdivisions there will be further improvement requirements. David stated the Board needs to review those

conditions of approval and more importantly, in regard to public safety, do we want to approve of it the way it is constructed?

Jim stated he visited with the Developer of Flat Iron and they stated they would be willing to re-construct this path for a fee when their subdivision comes in.

Commissioner Thompson said they should review the Board of County Commissioners' requirements of conditional approval. One issue was how the path stops at Eastside Highway, but Civil Counsel addressed that.

David stated the County has responsibility where this bike path ends at the State route.

Commissioner Chilcott stated the County could mitigate some of the County's exposure with signage or constructing a small cul-de-sac to show the path ends. David stated with that signage, the County is still encouraging people to use it. Commissioner Chilcott stated some may walk the path with a circular exercise and getting to and from that track is their responsibility.

Commissioner Lund asked what an underground crossing for people would cost. Everyone agreed the crossing would be too expensive. Jim stated many people use this path and although it is not perfect, it certainly is safer than what was there before.

David stated, regarding the improvements from Market Street, there is a possibility the bike path could be extended at Freeze Lane. The Board stated if the conditions of approval have been met, do nothing more. He stated signs may not be effective and installing a crosswalk at Tammany Hill gives pedestrians a false sense of security.

Commissioner Thompson stated when the cars come from the Health Club they are just pulling out and the curve is at 15 mph and the cars are already slowing down. He stated they need signage and concern, but they need to look at the level of traffic. He stated he has no worries of where this pedestrian crossing is located.

David stated they have not looked at any design processes and the Road and Bridge Department will not recommend approval of this.

Karen stated they have not made a thorough review, but it appears the conditions of this path have been met. Commissioner Chilcott stated a cross walk with appropriate signage would enhance the safety of citizens utilizing this path. He asked David what the alternative is. David stated they needed to be built on the same side of the road without any crossing. Jim stated the property owners would not allow him any easement.

David stated without a design standard this is not safe and nothing else should be done. He stated this path does not meet any standard and before he recommends any approval there needs to be a design. Commissioner Thompson stated the conditional approval was done prior to the current standards. Commissioner Lund asked if they could construct a

cul-de-sac at the curve, which would stop the pathway traffic prior to Eastside Highway. Jim stated the cars would use that as a turn-around.

Commissioner Chilcott stated Jim has lived up to his mandate of the conditional approval, and planning needs to make a final review. Any changes should be the County responsibility.

David stated with the conditional approval wording he would agree, but 'they should not do it this way any more'. David stated from a liability standpoint, this is not an improvement. Jim stated he lives there and he will continue to maintain the path with weed control and raking.

Commissioner Lund stated with more subdivisions, such as Flat Iron, the path might be improved. Commissioner Chilcott stated any further improvement falls on the County. The conditional approval required a minimum path of 4' with a minimum setback of 5' from the road. It appears that has been done. Therefore, he feels Mr. Mildenberger is out of this discussion, assuming the final approval bears out the minimum setback and width. Any approval from the Road Department needs to be addressed separately.

Discussion also included the speed limit that has been set by the State, which is too fast for the site distance on the curve and hills. Commissioner Lund asked David to install a traffic counter on Tammany Lane, due to the new Health Club location.

Civil Counsel was now present. David stated he should review the Uniform Traffic Control Manual in regard to the pedestrian crosswalk. He also needs to review the path ending location at Eastside by visiting with the State Department of Transportation.

James said any reference in the regulations for bike paths would indicate it should be constructed to a reasonable standard. (Uniform Traffic Control)

David said he would check the current condition.

Karen said there is no preliminary plat approval yet, but should be soon.

James said conditions require path construction; evaluation will determine if it meets conditions. If the path is constructed to a reasonable standard it will be a legal interpretive question. That is really a question for the Road Department.

In other business the Board met with Lt. Cathy Powell of the Ravalli County Detention Center in order to discuss and approve a contract with Swanson for the inmate banking and commissary.

Cathy shared the commissary program and inmate-banking program. Individual commissary orders are packed. Moneys to the inmate are placed in their individual accounts. Commissary orders are subtracted from that balance. This will eliminate the necessity of large inventories. Indigent inmates receive basic toiletries, pencils, paper,

stamps and envelopes. State law mandates this. Commissioner Chilcott asked how long it takes to do this now and how the cost to the inmates will be affected.

Cathy said the costs will go up slightly, but their orders will be filled in the same amount of time, with less office time spent. They are allowed to make minor markups to the prices they are charged, which help cover expenses. Presently money received into the accounts of the indigent inmate is applied to their indigent bill; under the new system, moneys received will be applied to their accounts at a certain percent, leaving some cash in the account of the inmate, to be spent on candy, paper, etc.

A bill can be generated when they leave the facility. Larger facilities hire collection agencies to collect the moneys due. We hope receiving the bill will encourage them to cover the expenses incurred while they were incarcerated.

Commissioner Thompson asked about the time period (Page 41) for terminating the agreement.

James said it could be terminated within 90 days prior of annual renewal, in writing. He said, though he has not yet read the contract; it appears to be well written.

Commissioner Thompson said it appears to relieve the county of some responsibility.

Commissioner Chilcott said there is also the possibility of recouping some costs.

Cathy said they really only need a laser printer that can print checks. The cost will be approximately \$2,000.

Commissioner Chilcott said the system would allow the other inmates to help support the indigent, rather than the taxpayer doing it.

Cathy said the support fluctuates, depending on inmate population and what they order.

Commissioner Chilcott asked if something like Internet banking could be done, instead of spending \$2000 for a laser printer. There should be the possibility of doing it online.

Cathy said the program does all the research for you, rather than having to go into the commissary program to do the research.

Commissioner Chilcott said it sounds like a good program, but we should research if it can be done online.

Commissioner Lund asked if they presently have a printer.

Cathy said they have a large Minolta printer. They write checks by hand now.

Commissioner Chilcott said they should define what FOB Dock means, as far as location is concerned.

James said if you ask the question and get an email saying it is a Hamilton location, it would be fine for the Commissioners to sign the contract on the basis of the email.

Cathy said she understood the prices listed include shipping costs. They will clarify it.

James said the only other issue is to be sure that Joe is in the loop to ensure this is over a secure website.

Commissioner Lund said she is not ready to make a decision on the information, since she just received it today. The proposal is dated in February.

Cathy said that the election and other major issues made it difficult to get in to see the sheriff and other necessary personnel. It was not possible to move any more swiftly.

James said the only other issue is whether it needs to be up for bid, though it is a services contract. If the Board of County Commissioners is comfortable, it is probably legally okay. But it could also be put out for bid.

Commissioner Chilcott said he would like to negotiate the 90-day period down to a 30-day period for leaving the agreement.

James said this is negotiable on termination: make it 30 days to not renew, at B-1, change to 'upon 30 or 60-day written notice'. Replace the phrases with 'upon written notice from either party with or without cause'. With cause you can terminate immediately.

Commissioner Lund asked if the contract would be with the jail or Commissioners. James said it would be with the jail.

In other business the Board met with April Johnson in regard to a new Cultural Trust Grant for the Hamilton Players Inc. Also present was Administrative Director Skip Rosenthal. Skip stated the first grant worked well and the County is simply a flow-through for the monies. This new grant request is for \$7,100.00. April presented the production costs for the upcoming season with the grant funds to be spent on each production. They hope to spend these grant monies on production costs. She hopes to obtain approximately \$30,000.00 for the 2008-09 budgets.

Skip stated this previous year grant worked well in their office and he supports the Commissioners signature for this new grant. He stated the grant creates no real work except 'cutting' the check when the State deposits the money.

Commissioner Thompson made a motion to have the County sign on this grant as the Government Sponsor Organization. Commissioner Lund seconded the motion and all voted "aye". April will prepare the formal application and the Chairman will sign it when it is available.

In other administrative matters, Commissioner Lund made a motion to grant final approval of the McCalla Creek Acres Subdivision. Commissioner Thompson seconded the motion and all voted "aye".

The Board reviewed the Maternal and Child Health Contract with the State. (This is a task order in conjunction with the Master Task Order that was previously approved). Public Health Director Judy Griffin has already reviewed this contract and recommends its approval. Commissioner Thompson made a motion to have the Chairman sign this contract with DPHS. Commissioner Lund seconded the motion and all voted "aye".

The Board also reviewed the sub-recipient agreement between the Bitterroot Valley Children's Advocacy Center and Ravalli County. Skip was present and stated Deputy County Attorney Bill Fulbright has reviewed this and feels comfortable with the document. The Board approved this sub-recipient agreement at a previous meeting.

The Board addressed the recent forms received for reimbursement on the petroleum tank spill at the airport. Present was Environmental Health Director Theresa Blazicevich, Civil Counsel, Interim Airport Manager Page Gough and Airport Board Member Jim Trowbridge. Glenda had received forms from the engineer to receive the eligibility for the reimbursement of funds. Theresa stated the Engineer filled out a faxed form, but they need to send an original to the State. Theresa stated Form 7 must be signed which allows the insurance company to be subrogated to. She believes they have three years to file these claims. Commissioner Lund made a motion to sign Form 7 for the Report of Insurance or Other Third Party Liability. Commissioner Thompson seconded the motion and all voted "aye". Glenda will prepare a new original 1-R and prepare Form 7.

In other business, Page addressed a request for paving around Hangar #243 by the Lessee Darin Patzer. Commissioner Lund made a motion to allow this paving on the area from the north hangar access of #243 to the existing taxiway to the north east, to be done according to all current regulations in regard to paving. Commissioner Thompson seconded the motion and all voted "aye".

Page also addressed a request for paving around Hangars #195 and #199 as leased by Pogo Pumps. Commissioner Thompson made a motion to allow this paving of the access road to these two hangars with the conditions in regard to the mailbox and to be done by all current regulations in regard to paving. Commissioner Lund seconded the motion and all voted "aye".

Page also relayed that Steve Wolters asked to be excused from paying the development fees on the existing 20' X 40' spill pad in front of the fuel farm. Commissioner Chilcott stated Page should research the other development fees to make sure everyone is treated fairly. Theresa noted that concrete would have been a better impervious surface to fuel spills.

Page also addressed the addendum for Chris Mills' lease allowing Hangar #296 size to be increased from 40 X 40 to 48 X 58, a skid-mounted storage facility to be allowed during the construction phase, an annual rental fee at \$.07 until 6/30/07, then \$.09 sq. foot.

Commissioner Chilcott asked if there is a completion date. Page stated they do not have a completion date, but there is a limit of 180 days for the construction. It was noted Chris is currently over the 180 days. In the future they should address the final completion and/or substantial completion date. This addendum was already approved; signatures are simply required.

Commissioner Lund made a motion to renew the lease for Hangar 452 (formerly C-20) for Richard Milstad. Commissioner Thompson seconded the motion and all voted "aye".

Commissioner Thompson made a motion to renew the lease for Hangar #345 (formerly C-16) for Jim Mildenerger. Commissioner Lund seconded the motion and all voted "aye".

Commissioner Thompson made a motion to renew the lease for Hangar #350 (formerly C-28A) for Thomas Regan. Commissioner Lund seconded the motion and all voted "aye".

The Board addressed the 20 X 24' metal building that must be moved. According to the Montana Law 7-8-2214, this building must be appraised by the Commissioners and sold at public auction. Page stated the building might have value to Pogo Pumps, who has a hangar lease next to this metal building. The County does not need the building; a 10' separation for Pogo Pumps is needed. This building is in the way. Commissioner Chilcott stated he would like the Airport Board to look at this building giving a recommendation of the appraised value.

The Board also addressed the 1,000 yards of topsoil that needs to be sold. If sold a few yards at a time, it is worth \$2-\$3 per yard. If hauled out all at once, it is only worth \$1.00 to \$1.50 per yard. Red visited with the Road Department to see if they wanted it for reclamation purposes. David Ohnstad told Red they did not want the dirt.

In other business Commissioner Thompson made a motion to adopt the following budget transfers by Resolutions as follows:

- Resolution No. 1931, which is a 2006 budget transfer for the Fair fund
- Resolution No. 1932, which is a 2006 budget transfer for the General fund
- Resolution No. 1933, which is a 2006 budget transfer for the Facilities fund
- Resolution No. 1934, which is a 2006 budget transfer for the Weed fund
- Resolution No. 1935, which is a 2006 budget transfer for the Airport fund
- Resolution No. 1936, which is a 2006 budget transfer for the FAA Grant
- Resolution No. 1937, which is a 2006 budget transfer for the Clerk of Court
- Resolution No. 1938, which is a 2006 budget transfer for the 9-1-1 Fund
- Resolution No. 1939, which is a 2006 budget transfer for Homeland Security
- Resolution No. 1940, which is a 2006 budget transfer for DUI Task Force

- Resolution No. 1941, which is a 2006 budget transfer for Montana Safe Kids/Safe Communities
 - Resolution No. 1942, which is a 2006 budget transfer for Road CIP funds
 - Resolution No. 1943, which is a 2006 budget transfer within the Airport fund
- Commissioner Lund seconded the motion and all voted "aye".

The Board reviewed the openings for the Planning Board. An application was received from Mary Lee Bailey who lives in Victor. One of the opening positions is in Victor. Commissioner Lund made a motion to appoint Mary Lee to the opening in Victor, with a term ending 12/31/06. Commissioner Thompson seconded the motion and all voted "aye". Two other positions were open in Lone Rock and Darby with applicants, Torri Nobles of Darby, Alexander Ivanhoff of Corvallis and Lee Kiereg of Hamilton.

Commissioner Lund made a motion to discuss the other openings and applicants at a later date, due to time constraints. Commissioner Thompson seconded the motion and all voted "aye".

Administrative Director Skip Rosenthal discussed the Mental Health Contract. This is a new proposal with Riverfront Mental Health for 12 months in the amount of \$70,047.50, which includes more training, group counseling, etc. Skip stated he has not heard anything about the current 6-month contract, but the County Attorney and Sheriff indicate it is going well. Skip stated this contract has the same wording as the current contract. Commissioner Lund made a motion to approve of this contract with Riverfront Mental Health with proportionate sharing of payments as the current contract. Commissioner Thompson seconded the motion and all voted "aye".